

September 26, 1997

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON
700 Central Building, 810 Third Avenue
Seattle, Washington 98104
Phone (206) 296-4660 Fax (206) 296-1654

DECISION ON PROPOSED PLAT ALTERATION

SUBJECT: King County Department of Development and Environmental Services File No.
L9700111

RIDGE AT BEAR CREEK
Plat Alteration Application

Location: Between Northeast 150th Street and Northeast 155th Street (if extended) and generally
between 233rd Avenue Northeast and 226th Avenue Northeast (if both roads were
extended)

Applicant: John Baumann
16030 NE 116th Street
Redmond, WA 98052

SUMMARY OF DECISION:

Department's Preliminary:	Approve, subject to conditions
Department's Final:	Approve, subject to conditions
Examiner:	Approve, subject to conditions

PRELIMINARY MATTERS:

Application submitted: March 7, 1997
Notice of complete application: April 4, 1997

EXAMINER PROCEEDINGS:

Hearing Opened:	September 18, 1997
Hearing Closed:	September 18, 1997

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.

A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES ADDRESSED:

- Plat alteration -
 conversion of tracts to lots
- Surface water drainage
- Sensitive area protection
 wetlands

FINDINGS, CONCLUSIONS AND DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Owner/Developer:	John Baumann 16030 NE 116th Street Redmond, WA 98052
Location:	Between Northeast 150th Street and Northeast 155th Street (if extended) and generally between 233rd Avenue Northeast and 226th Avenue Northeast (if both roads were extended)
STR:	16-26-6
Number of Lots:	3
Typical Lot Size:	Ranges from approximately 35,000 to 44,000 square feet
Proposed Use:	Single family residences
Complete	
Application Date:	April 4, 1997

2. Except as modified herein, the facts set forth in the King County Land Use Services Division's preliminary report to the King County Hearing Examiner for the September 8, 1997 public hearing are found to be correct and are incorporated herein by reference. The LUSD staff recommends approval of the application, subject to conditions.
3. The Applicant proposes to convert Tracts E, F and G into building lots as preliminarily approved by the Examiner's decision dated April 22, 1991, for File No. S90P0065. The three parcels were recorded as tracts because wet season percolation tests meeting Health Department requirements had not been performed on the date the final plat was recorded. Note No. 6 on the final plat authorizes conversion of these tracts into lots once septic system approval is obtained. The required septic system approvals were issued by the Health Department for the three tracts in April and June, 1996.
4. The lots in question are located at the southwest corner of the plat for the Ridge at Bear Creek.

During engineering review a Class 2 wetland was identified along the western boundary of Tracts F and G and delineated with a 50-foot buffer and placed within a Native Growth Protection Easement. The plat alteration will need to show a 15-foot building setback line from the edge of the buffer.

5. The delineated wetland extends west onto a parcel owned by a neighboring property owner, Bill Zinsley. Mr. Zinsley is concerned that future lot development (which requires filling and grading of a railroad right of way crossing the three tracts) will result in increased flows to the wetland and adverse impacts to his property.
6. These issues appear to have been largely addressed during the engineering review for the Ridge at Bear Creek. Although the predevelopment wetland hydrology will need to be maintained through flows from constructed footing drains, roof drains will be connected to the conveyance system within the adjacent roadway, and lots will be graded to slope away from the wetland. More critically, the invert of the pipe through which the wetland outlets south beneath Northeast 150th Street has been constructed at an elevation which prevents wetland levels from exceeding the predevelopment condition. Nonetheless, as additional mitigation measures conditions will be placed on the alteration requiring a positive drainage solution for the standing water problem within the old railroad grade area and a note to be added to the final plat warning future lot owners against altering the constructed drainage system.

CONCLUSIONS:

1. If approved subject to the conditions imposed below, the proposed plat alteration makes appropriate provision for the public health, safety and welfare and serves the public use and interest.

DECISION:

The proposed plat alteration for the Ridge at Bear Creek is APPROVED for the deletion of Note No. 6 from the recorded final plat, subject to the following conditions of final approval:

1. The Applicant shall submit a revised drawing of the alteration approved hereunder to be processed in the manner provided for final plats.
2. This plat alteration only authorizes deletion of Note No. 6 from the approved final plat for the Ridge at Bear Creek and the conversion of Tracts E, F and G into lots. Other deleted notes shown on the application, e.g., Nos. 1 and 7, shall be restored.
3. A 15-foot building setback line from the NGPE shall be shown on the final plat map with regard to Lots 20 and 21.
4. The following new note shall appear on the face of the final plat:

"Lot grading and roof and footing drain discharges for Lots 20 and 21 have been designed to maintain the pre-development hydrology of the wetland at the plat's southwest corner. These features shall not be altered without King

County Department of Development and Environmental Services' approval."

5. The standing water on Lots 20 and 21 in the vicinity of the old railroad grade shall be routed to an acceptable outlet, as approved by DDES.

ORDERED this 26th day of September, 1997.

Stafford L. Smith, Deputy
King County Hearing Examiner

TRANSMITTED this 26th day of September, 1997, to the following parties and interested persons:

Alan Aramaki
John Baumann
L. Cronkhite
Derrick Bazlen
Jim/Michelle Billmaur
Robert/Kelly Kauffman

D. Russo
John L. Scott, Inc/Attn: Land Dept.
Edward E. Towe
William and Mary Ellen Zinsley

Michaelene Manion, DDES/LUSD
Greg Borba, DDES/LUSD
Peter Dye, DDES/LUSD
Paul Eichhorn, DDES/BSO
Marilyn Cox, DDES/LUSD/SEPA
Sheri Sabour, DDES/LUSD

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) **on or before October 10, 1997**. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council **on or before October 17, 1997**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified

closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council approving or adopting a recommendation of the Examiner shall be final and conclusive unless a proceeding for review pursuant to the Land Use Petition Act is commenced by filing a land use petition in the Superior Court for King County and serving all necessary parties within twenty-one (21) days of the date on which the Council passes an ordinance acting on this matter.

MINUTES OF THE SEPTEMBER 18, 1997, PUBLIC HEARING ON DDES FILE NO. L9700111 - RIDGE AT BEAR CREEK PLAT ALTERATION

Stafford L. Smith was the Hearing Examiner in this proceeding. Participating at the hearing were Sherie Sabour and Peter Dye, representing the County; and John Baumann and Bill Zinsley.

The following exhibits were offered and entered into the hearing record:

Exhibit No. 1	Department of Development and Environmental Services File No. L9700111
Exhibit No. 2	Department of Development and Environmental Services preliminary report, dated September 18, 1997
Exhibit No. 3	Application dated March 7, 1997
Exhibit No. 4	Omitted
Exhibit No. 5	Mitigated Declaration of Nonsignificance dated March 12, 1991
Exhibit No. 6	Affidavit of Posting indicating August 19, 1997, as date of posting and August 27, 1997, as the date the affidavit was received by the Department of Development and Environmental Services
Exhibit No. 7	Plat map dated March 7, 1997
Exhibit No. 8	Omitted
Exhibit No. 9	Assessors maps: NE 16-26-6 & SE 16-26-6
Exhibit No. 10	Approved road and drainage plan dated May 5, 1995
Exhibit No. 11	Letter of concern from Mr. and Mrs. Zinsley dated July 10, 1997